

State of California

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Legislative Change No.

05-09

Bill Number: SB 13

Author: Bowen

Chapter Number: 05-241

Laws Affecting Franchise Tax Board: Section 1798.24 of the Civil Code,
Section 10850 of the Welfare and Institutions Code.

Date Filed with the Secretary of State: September 22, 2005

SUBJECT: Personal Information Disclosure For Research Purposes

Senate Bill 13 (Bowen), as enacted on September 22, 2005, made the following changes to California law:

Section 1798.24(t) of the Civil Code is amended.

This act adds safeguarding requirements for personal information disclosed to the University of California or a nonprofit educational institution conducting scientific research. This act requires the Committee for the Protection of Human Subjects (CPHS) to approve the request for information. The following criteria must be satisfied, as determined by CPHS, before approval is granted:

- the researcher must provide a sufficient plan to protect personal information from improper use and disclosure,
- the researcher must provide a sufficient plan to destroy or return all personal information as soon as it is no longer needed for the research project, and
- the researcher must provide sufficient written assurance that the personal information will not be reused or disclosed to another person or entity.

This act requires CPHS as part of its review to do the following:

- determine if the requested personal information is needed to conduct research,
- permit access to personal information only if it is needed for the research project,
- permit access only to the minimum personal information necessary to conduct the research,
- require the use of unique subject codes instead of social security numbers, and
- allow the agency providing the personal information to conduct a portion of the data processing, if cost effective.

This act provides that any cost to the agency providing the personal information may be billed to the researcher. Examples of some costs that may be billed are costs for conducting data processing, removing personal information, encrypting and securing personal information, and assigning subject codes.

Bureau Director

Jana Howard for Brian Putler

Date

12/01/05

Section 10850 of the Welfare and Institutions Code is amended.

This act adds safeguarding requirements for personal information disclosed by the Department of Social Services. This act requires that the Department of Social Services comply with subdivision (t) of Section 1798.24 of the Civil Code when disclosing personal information.

This act is effective and operative January 1, 2006.

This act will not require any reports by the department to the Legislature.